

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 STANLEY H. SOLVEY,  
12 Petitioner,  
13 v.  
14 KEN CLARK,  
15 Respondent.  
16  
17  
18

Case No. 1:23-cv-00137-HBK (HC)  
ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA  
(Doc. No. 1)

19 Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28  
20 U.S.C. § 2254. (Doc. No. 1). To the extent discernable, Petitioner challenges his conviction  
21 entered by the Superior Court of Los Angeles County. (*Id.* at 1). Los Angeles County is located  
22 within the jurisdiction and venue of the Western Division of the United States District Court for  
23 the Central District of California.

24 Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the  
25 petitioner was convicted or where the petitioner is incarcerated. *See* 28 U.S.C. § 2241(d);  
26 *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and  
27 witnesses, in the interest of justice, a district court may transfer any civil action to any other  
28 district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in

1 California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*  
2 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at \*1 (E.D. Cal. June 21,  
3 2017) (citing *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

4 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should  
5 be transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d). The Court  
6 additionally notes, after a review of its own files, that Petitioner also has pending a previously  
7 filed federal petition in this Court that appears to challenge the same conviction at case number  
8 1:22-cv-01634-CDB. Under this circumstance the Court would normally construe the instant  
9 petition as a motion to amend the previous petition as instructed by the Ninth Circuit. *See Woods*  
10 *v. Carey*, 525 F.3d 886, 889-90 (9th Cir. 2008). However, the Court defers to the Central District  
11 of California as to any further action in this matter.

12 Accordingly, it is **ORDERED**:

- 13 1. The Clerk shall transfer this action to the United States District Court for the Central  
14 District of California, Western Division; and  
15 2. All future filings shall reference the new case number assigned and shall be filed at:

16  
17 United States District Court  
18 Central District of California  
19 Western Division  
20 255 East Temple Street  
21 Los Angeles, CA 90012-3332

22 Dated: January 31, 2023

23  
24   
25 HELENA M. BARCH-KUCHTA  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28